



Order under Section 126 Residential Tenancies Act, 2006

File Number: LTB-L-096935-23

In the matter of: 11 McGaw St., Leamington, Ontario, N8H 4W6

Between: Sutton Place Apartments (Leamington) Ltd Landlord

And

Refer to attached Schedule 2 Tenants

Sutton Place Apartments (Leamington) Ltd (the 'Landlord') applied for an order permitting the rent charged to be increased by more than the guideline for one or more of the rental units in the residential complex.

A Case Management Hearing (CMH) took place by videoconference on January 8, 2026.

The following parties attended the hearing: The Landlord's representative, Kristen Jarvis, the Landlord's Agent, Daniel Cacciavillani, the tenant of Unit #202, Ashley Detot, who was authorized to speak on behalf of the tenants of 31 units, the representative for unit #304, Rachel Kelly, the representative for units 101, 102, 106, and 412, Thomas Vanner, the representative for unit #103, Christine Joy, and several tenants.

The Certificate of Service filed by the Landlord on December 8, 2025, indicates that some rental units listed in the application were not served with the application and notice of hearing. The Board shall therefore amend the application by removing these rental units. As a result, this order for a rent increase above the guideline under section 126 of the Act does not apply to the following units: 104, 208, 216, 402.

The Landlord's application is further amended as follows: The Landlord's name is amended by removing the Landlord's Agents, Daniel Cacciavillani and Gino Cacciavillani.

At the Case Management Hearing, the parties agreed to the following:

1. The following 5 (five) units are severed from the application: 101, 102, 106, 409, and 412. A Merits Hearing shall take place for these units at a later date to be set by the Landlord and Tenant Board.

2. This order resolves all issues in the Landlord's application for the remaining units in this application.
3. Although the representative for unit #103 was not in attendance when consent was reached for the remaining units, the Tenant of unit #103 was present and elected to proceed with the consent. I was satisfied that the Tenant understood the terms and consequences of the consent.
4. The maximum rent increase above the guideline because of capital expenditures is 1.25%. The Landlord's application is for the following capital expenditures:
 - a. Elevator – Controller and Door Operator Replacement;
 - b. Driveway Sealing, sealcoating parking lot.
5. All remaining capital expenditures claims as listed in the application were removed.
6. Where the Landlord's application requests an increase of 2.26%, the maximum increase above the guideline for these units is 1.25%. This increase is to be taken in the first year.
7. Where the Landlord's application requests an increase of 0.19%, the maximum increase above the guideline for these units is 0.15%. This increase is to be taken in the first year.
8. The weighted useful life for the capital expenditures is as specified on Schedule 3.
9. The first effective date of the rent increase above the guideline is April 1, 2024.
10. The Landlord shall waive any sum of money that is owing by the Tenants as a result of this order for the period up to March 31, 2026.

On consent of the parties, it is ordered that:

1. The Landlord may increase the rents charged by the percentage increases and within the time periods set out in Schedule 3.
2. The percentage increase set out in Schedule 3 may be taken in addition to the annual guideline in effect on the increase date for the unit.

3. The Landlord shall waive any sum of money that is owing by the Tenants as a result of this order for the period up to March 31, 2026.

February 17, 2026
Date Issued

Nancy Fahlgren
Hearings Officer, Landlord and Tenant Board

15 Grosvenor Street, Ground Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

Important Notes:

1. The Landlord may increase the rent charged by the ordered increase within the time period specified if at least 12 months have passed since the last rent increase or since the tenant moved in, and if the landlord has given the Tenant at least 90 days proper Notice of Rent Increase.
2. If the Landlord has given a Notice of Rent Increase for a rent increase that is less than the ordered increase, the Landlord may only take the rent increase set out in the Notice.
3. If the Tenant's rent is increased pursuant to the percentage increase ordered for capital expenditures and the same Tenant remains in the unit after the expiration of the weighted useful life for capital expenditures, then the rent will be reduced. Refer to Schedule 4 for information about the date and amount of the rent reduction.
4. The annual guideline for 2023 is 2.50%, for 2024 is 2.50%, for 2025 is 2.50% and for 2026 is 2.10%.

Schedule 1 - Units affected by this Order:

11 McGaw St., Leamington, Ontario, N8H 4W6

103	306
105	307
107	308
201	309
202	310
204	311
205	312
206	314
207	316
209	318
210	320
211	322
212	324
214	401
218	403
222	404
301	405
302	406
303	407
304	408
305	410

Schedule 2 - Tenants who are Affected by this Order:

Alves, Camille
Bateman, Joan
Bertrand, Deanna
Brown, Craig
Church, Pat
Cook, Kris
Copeland, Sara
Craig, Betty
DaSilva, Helia
Dutot, Mike
Elliot, Kevin
Friesen, Ben
Friesen, Dennis
Friesen, Jerry
Gallagher, Jen
Grandmaison, S
Hernandez, Zoila
Hickmott, James
Hughes, Jennifer
Jardim, Elizabeth
Juliao, Maria

Krestel, Michelle
Laplana, Leah
Martin, Sandra
Mayne, David
McCormick, Terry
Miller, Ingrid
Nassereddine, Carmen
Quick, David
Reid, Mona
Reimer, Amanda
Salomon, Maria
Santos, Paul
Sarty, Karen
St. John, Diane
Stevenson, Jason
Taouil, Leila
Taquil, Jeanie
Velasco, Fidel
Vigneux, Bruce
Williams, Kristal
Zuniga, Alfredo

Schedule 3 - Ordered Rent Increase Above the Guideline**First Effective Date of Rent Increase in this Order is April 1, 2024**

The Landlord may increase the rent charged for the units affected by this order by the total percentages set out below and within the time periods set out below. These percentage increases may be taken in addition to the annual guideline in effect on the increase date for the unit.

Rental Unit Address Name	Period of April 1, 2024 to March 31, 2025			
	% inc for Cap Exp (Max 3%)	Total Increase (Excludes Guideline)	Weighted Useful Life	Total % for Cap Exp
103, 11 McGaw St.	1.25%	1.25%	15	1.25%
105, 11 McGaw St.	1.25%	1.25%	15	1.25%
107, 11 McGaw St.	1.25%	1.25%	15	1.25%
201, 11 McGaw St.	1.25%	1.25%	15	1.25%
202, 11 McGaw St.	1.25%	1.25%	15	1.25%
204, 11 McGaw St.	1.25%	1.25%	15	1.25%
205, 11 McGaw St.	1.25%	1.25%	15	1.25%
206, 11 McGaw St.	1.25%	1.25%	15	1.25%
207, 11 McGaw St.	1.25%	1.25%	15	1.25%
209, 11 McGaw St.	1.25%	1.25%	15	1.25%
210, 11 McGaw St.	1.25%	1.25%	15	1.25%
211, 11 McGaw St.	1.25%	1.25%	15	1.25%
212, 11 McGaw St.	1.25%	1.25%	15	1.25%
214, 11 McGaw St.	1.25%	1.25%	15	1.25%
218, 11 McGaw St.	1.25%	1.25%	15	1.25%
222, 11 McGaw St.	1.25%	1.25%	15	1.25%
301, 11 McGaw St.	1.25%	1.25%	15	1.25%
302, 11 McGaw St.	1.25%	1.25%	15	1.25%
303, 11 McGaw St.	0.15%	0.15%	10	0.15%
304, 11 McGaw St.	1.25%	1.25%	15	1.25%
305, 11 McGaw St.	0.15%	0.15%	10	0.15%
306, 11 McGaw St.	1.25%	1.25%	15	1.25%
307, 11 McGaw St.	1.25%	1.25%	15	1.25%
308, 11 McGaw St.	1.25%	1.25%	15	1.25%
309, 11 McGaw St.	1.25%	1.25%	15	1.25%
310, 11 McGaw St.	1.25%	1.25%	15	1.25%
311, 11 McGaw St.	1.25%	1.25%	15	1.25%
312, 11 McGaw St.	1.25%	1.25%	15	1.25%

Rental Unit Address Name	Period of April 1, 2024 to March 31, 2025			
	% inc for Cap Exp (Max 3%)	Total Increase (Excludes Guideline)	Weighted Useful Life	Total % for Cap Exp
314, 11 McGaw St.	1.25%	1.25%	15	1.25%
316, 11 McGaw St.	1.25%	1.25%	15	1.25%
318, 11 McGaw St.	1.25%	1.25%	15	1.25%
320, 11 McGaw St.	1.25%	1.25%	15	1.25%
322, 11 McGaw St.	1.25%	1.25%	15	1.25%
324, 11 McGaw St.	1.25%	1.25%	15	1.25%
401, 11 McGaw St.	1.25%	1.25%	15	1.25%
403, 11 McGaw St.	1.25%	1.25%	15	1.25%
404, 11 McGaw St.	1.25%	1.25%	15	1.25%
405, 11 McGaw St.	1.25%	1.25%	15	1.25%
406, 11 McGaw St.	1.25%	1.25%	15	1.25%
407, 11 McGaw St.	1.25%	1.25%	15	1.25%
408, 11 McGaw St.	1.25%	1.25%	15	1.25%
410, 11 McGaw St.	1.25%	1.25%	15	1.25%

Schedule 4 - Rent Reduction related to Capital Expenditures

A. Date of Rent Reduction

If the Tenant's rent is increased based on capital expenditures during the period 2024 then:

The date of the rent reduction will be the day before:

- the date of the Tenant's first rent increase under this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in Schedule 3).

Example:

If the Tenant's rent was increased on June 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on May 31, 2031.

If the Tenant's rent was *not* increased based on capital expenditures during the period 2024 but was increased during the later periods set out in the order then:

The date of the rent reduction will be the day before:

- the First Effective Date of Rent Increase in this order, plus
- the number of years for the weighted useful life for capital expenditures for the unit (set out in Schedule 3).

Example:

If the first effective date of increase in this order is April 1, 2021 and the weighted useful life for capital expenditures is 10 years, then the rent will be reduced on March 31, 2031.

B. Amount of Rent Reduction

If the Tenant's rent is increased by the total percentage increase set out in this order then:

The rent must be reduced by the total percentage increase set out in this order for capital expenditures.

If the Tenant's rent is *not* increased by the total percentage increase set out in this order then:

The rent must be reduced by an amount determined in accordance with the prescribed rules which may be equal to or less than the total percentage increase set out in this order for capital expenditures.